

## **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-27 in the application. The Applicants have amended Claims 1, 3-4, 8, 10-11, 15-17, 21-22 and 26-27. No Claims have been cancelled or added. Accordingly, Claims 1-27 are currently pending in the application.

### **I. Formal Matters and Objections**

The Examiner has objected to the specification due to the absence of an application number for an incorporated application on page 2. (Examiner's Action, page 2). In response, the Applicants have amended the specification to include the application number of the incorporated application and the filing date. Accordingly, the Applicants respectfully request the Examiner to withdraw the objection to the specification.

Additionally, the Examiner has objected to the drawings for failing to correspond with the specification. (Examiner's Action, page 2). More specifically, the specification references the SSU as 110 in the specification but the ACP is labeled 110 in FIGURE 1. In response, the Applicants submit a proposed corrected FIGURE 1 that references the SSU as 100. Accordingly, the Applicants respectfully request the Examiner to withdraw the objection to the drawings.

### **II. Rejection of Claims 21-27 under 35 U.S.C. §102**

The Examiner has rejected Claims 21-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,495,522 to Allen, *et al.* (Allen). The Applicants respectfully disagree.

Allen does not teach a system for managing deletion of telephony recordings stored in a storage unit, including a file structure including directories, each of the directories designated to

contain only telephony recordings created during particular periods of time and a controller, associated with the storage unit, that recovers storage capacity in the storage unit by deleting an entire one of the directories based on the particular periods of time. (Claim 21). Allen is directed to teleconferencing methods and apparatus which improve the resiliency and processing of a multitude of phone signals. (Column 1, lines 23-26). The methods and apparatus features a plurality of digital signal processing units (DSPs) and a common bus for carrying voice digital data along a plurality of phone channels. Each of the DSPs respond to status signals received from other of the DSPs to generate an output teleconference signal that may be recorded for playback. (Column 2, lines 10-22 and Column 6, lines 24-27).

Allen also teaches a file management system associated with the teleconferencing that allows an administrator the ability to delete, export, print, and view files on the system. The files that may be manipulated, however, are not telephony recordings. On the contrary, the files may simply include Alarm Statistics, Call Detail Record (CDR), dialing lists, logs network statistics and operator printouts. (Column 26, lines 39-42). Allen, therefore, does not teach a file structure including directories that are designated to contain only telephony recordings created during particular periods of time and a controller that recovers storage capacity in the storage unit by deleting an entire one of the directories based on the particular periods of time as recited in Claim 21.

Since Allen does not teach each and every element of independent Claim 21, Allen does not anticipate the invention associated with Claim 21 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(b) rejection with respect to Claims 21-27 and issue allowance of these Claims.

### **III. Rejection of Claims 1-5, 7-12, 14-18 and 20 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-5, 7-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,542,602 to Elazar in view of U.S. Patent No. 6,553,183 to Kataoka. The Applicants respectfully disagree.

Elazar does not teach or suggest a call monitoring unit for use with an automated call placement system having a switching service unit that is capable of monitoring a selected one of lines coupled to the switching service unit, including a recorder that monitors a call carried on the selected one of the lines and creates a recording of the call on a storage medium associated therewith, the storage medium being of finite capacity thereby causing the recording to be subject to eventual overwriting and a recorder controller, coupled to the recorder, that provides an audible reproduction of the call to a user in real time and allows the user to preserve the recording based on the audible reproduction to delay the overwriting. (Claims 1, 8 and 15). Elazar is directed to systems and methods for monitoring agent telephonic interactions with customers. (Abstract). The systems and methods include logging telephone calls according to non-time-based scheduling criteria. Computer Telephony Interaction (CTI) datum associated with a telephone call between an agent and a party is examined to determine if at least one predefined monitoring condition is included therein and, if so, at least a portion of the telephone call is recorded. (Column 1, lines 39-52).

Unlike the present invention, Elazar determines whether to retain a recording of a telephone call based on predefined monitoring conditions. (Column 12, lines 34-58). The predefined monitoring conditions that may be used to retain a recording may be, for example, a telephone number, an agents score, the number of telephone calls an agent has received, a list of words spoken

or not, *etc.* (Figures 3-21). In Elazar, therefore, a telephone call may be retained based on monitoring conditions that are determined before the telephone call. This differs from the present invention associated with independent Claims 1, 8 and 15 where a user is allowed to preserve a recording of a call based on a real-time audible reproduction.

As asserted by the Examiner, Elazar does not specifically teach causing a recording to be subject to eventual overwriting and thus preserving the recording to delay the overwriting. The Examiner, therefore, cites Kataoka to teach a recording system that is subjected to overwriting. (Examiner's Action, page 5). Kataoka, however, does not teach or suggest providing an audible reproduction of the call to a user in real time allowing the user to preserve the recording based on the audible reproduction to delay the overwriting. (Claims 1, 8 and 15). On the contrary, Kataoka simply teaches a recording device for hierarchical overwrite recording of video and/or audio data without an accompanying complicated mechanical operation. (Abstract). Kataoka does not address a user delaying overwriting of a recording based on an audible reproduction. Kataoka, therefore, does not cure the deficiencies of Elazar.

Since Elazar and Kataoka, individually or in combination, fail to teach or suggest each and every element of independent Claims 1, 8 and 15, Elazar and Kataoka do not render obvious the inventions associated with Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of Claims 1, 8 and 15 and Claims dependent thereon and allow issuance of Claims 1-5, 7-12, 14-18 and 20.

Furthermore, one skilled in the art would not be motivated to combine the teachings of Elazar with the teachings of Kataoka since Elazar is directed to a monitoring system for telephone

calls and Kataoka is directed to a recording apparatus for hierarchical overwrite recording of video and/or audio data.

#### **IV. Rejection of Claims 6, 13 and 19 under 35 U.S.C. §103**

The Examiner has rejected Claims 6, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Elazar in view of Kataoka and in further view of U.S. Patent No. 6,064,732 to Pezzullo. The Applicants respectfully disagree.

As discussed above, the combination of Elazar and Kataoka does not teach or suggest each and every element of independent Claims 1, 8 and 15. The Examiner merely cites Pezzullo to teach an ADSI capable device. (Examiner's Action, page 7). Pezzullo, however, is directed to an interactive subscriber telephone terminal including a display screen and a local control means (*see Abstract*) and does not cure the deficiencies of Elazar and Kataoka. The combination of Elazar, Kataoka and Pezzullo, therefore, do not teach or suggest each and every element of independent Claims 1, 8 and 15 and Claims 6, 13 and 19 which depend on Claims 1, 8 and 15, respectively. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 6, 13 and 19 and allow issuance of these Claims.

#### **V. Cited References**

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

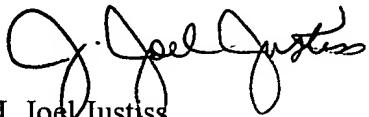
## VI. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-27.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

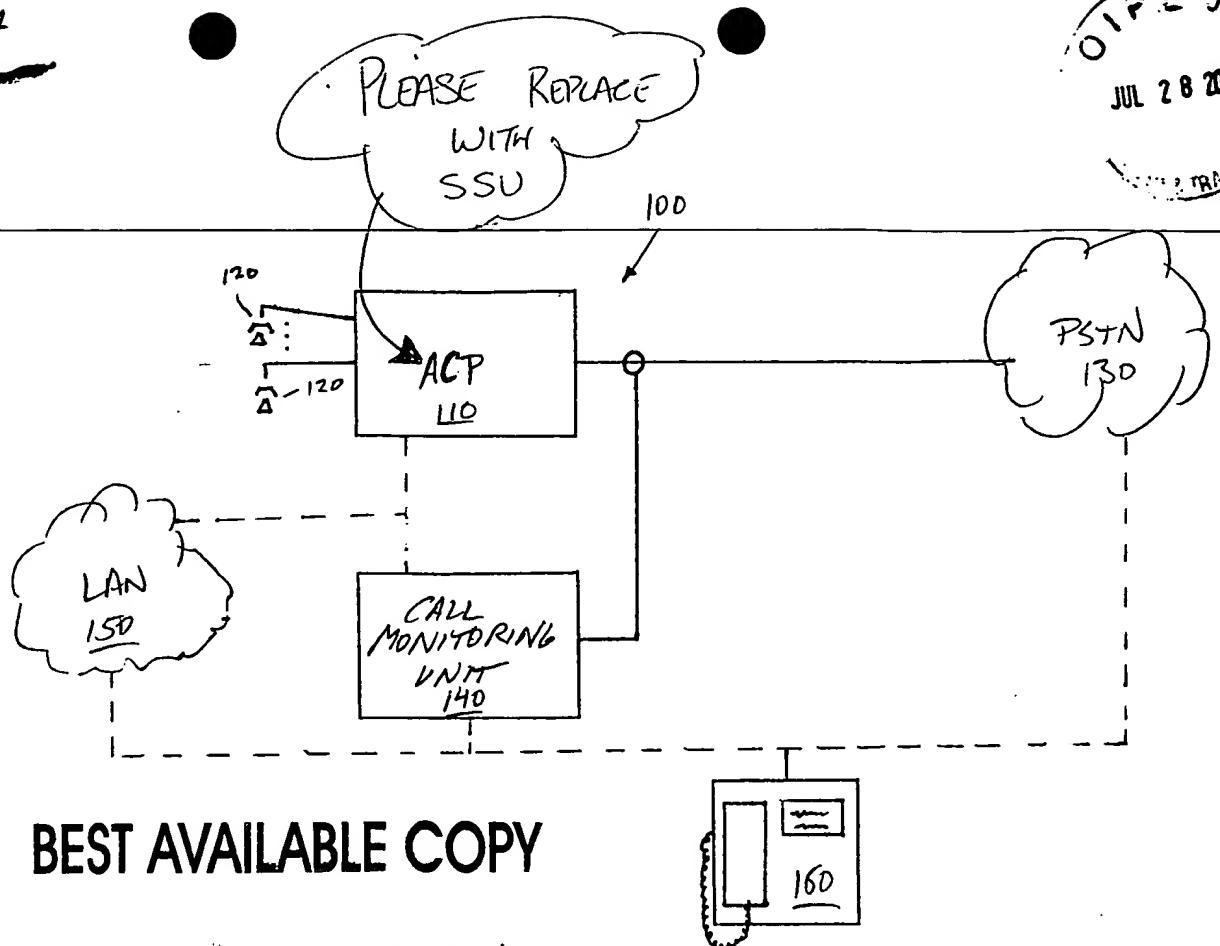
HITT GAINES, P.C.



J. Joel Justiss  
Registration No. 48,981

Dated: 7/23/03

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800



**BEST AVAILABLE COPY**

FIGURE 1



FIGURE 2